



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

SLR:KMA; 2018V00809

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March 6, 2019

BY ECF

Honorable Lois Bloom  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Ty Clevenger v. U.S. Department of Justice, *et al.*,  
Civil Action No. 18-CV-01568 (LB)

Dear Judge Bloom:

The undersigned Assistant U.S. Attorney writes to respectfully request an extension of time for service of Defendants' motion for summary judgment in this Freedom of Information Act ("FOIA") action, and corresponding extensions of the remaining dates in the briefing schedule set forth in Your Honor's Order dated January 25, 2019. Pursuant to the Order, Defendants' motion is to be served by March 8, 2019, Plaintiff's response is to be served by April 8, and Defendants are to serve their reply and file the full briefed motion by April 29. Plaintiff has consented to an extension.

The additional time is needed for several reasons. First, the undersigned recently was out of the office due to illness for over a week. Therefore, even if I had all of the necessary declarations from the agencies, I would need a thirty day extension. However, as a consequence of backlog caused by furloughs and the lengthy partial government shutdown, Defendant Federal Bureau of Investigation ("FBI") has advised that it requires three months to provide the necessary information and declaration with respect to the withholdings and redactions that Plaintiff is challenging. In addition, the Department of Justice ("DOJ") Office of Information Policy ("OIP") is attempting to narrow the number and type of redactions at issue.

If Defendants submit one consolidated motion for summary judgment, the proposed new briefing schedule would be:

June 7, 2019	service of Defendants' motion for summary judgment
July 8, 2019	service of Plaintiff's response
July 29, 2019	service of Defendants' reply

Alternatively, if Your Honor prefers, Defendants can serve two motions for partial summary judgment pursuant to these proposed briefing schedules:

April 8, 2019      service of Defendants' motion for partial summary judgment regarding:

1. DOJ Criminal Division and DOJ National Security Division responses to Plaintiff's request for all documents and correspondence exchanged with Beth Wilkinson (or any other attorney or agent working with her) regarding Cheryl Mills and Heather Samuelson [First Amended Complaint ("FAC") ¶ 7]
2. adequacy of the FBI's search in responding to Plaintiff's request for all records concerning Seth Conrad Rich [FAC ¶¶ 9-12]
3. National Security Agency (NSA) responses to the requests in Plaintiff's letter dated October 10, 2017 [FAC ¶ 14]

May 8, 2019      service of Plaintiff's response

May 29, 2019      service of Defendant's reply and filing of the fully briefed motion

June 7, 2019      service of Defendants' motion for partial summary judgment regarding;

1. FBI's response to Plaintiff's request for all documents and correspondence exchanged with Beth Wilkinson (or any other attorney or agent working with her) regarding Mills and Samuelson [FAC ¶ 7]
2. FBI's responses regarding the three categories of records sought in Plaintiff's letter dated October 1, 2017 [FAC ¶ 13]
- 3 . OIP's response to Plaintiff's request for all documents and correspondence exchanged with Congress (or any of its committees) regarding any investigation of Hillary Rodham Clinton's emails or email system, including, but not limited to, regarding whether David Kendall, Cheryl Mills, and/or Heather Samuelson mishandled or destroyed Clinton's emails [FAC ¶ 7]
4. OIP's response to Plaintiff's request for all records concerning Seth Conrad Rich [FAC ¶¶ 9-12]

July 8, 2019 service of Plaintiff's response

July 29, 2019 service of Defendants' reply and filing of the fully briefed motion

We apologize for any inconvenience to the Court or Plaintiff.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

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cc: (By ECF)

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